



PATENT
Atty Docket No. REAL0023

I HEREBY CERTIFY THAT ON JULY 14, 2008, THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP APPEAL BRIEF - PATENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

STEVEN W. SMYRSKI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

LENNY LIPTON ET AL.

Title: METHOD FOR ELIMINATING PI-
CELL ARTIFACTS

Serial No.: 09/766,130

Filed: January 19, 2001

Group Art Unit: 2629

Examiner: Jennifer T. Nguyen

PETITION FOR ONE MONTH EXTENSION OF TIME

Mail Stop Appeal Brief - Patent
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.136, Applicants respectfully petition the Commissioner for a one month extension of time to July 14, 2008, the period for filing an Appeal Brief based

on the Notice of Appeal mailed on April 9, 2008 and received by the Patent Office on April 14, 2008.

A one month extension of time is timely as of today's July 14, 2008 date because an Appeal Brief is due two months from the date of the Notice of Appeal. M.P.E.P. §1205.01. "The Office date of receipt of the notice of appeal (and not the date indicated on any Certificate of Mailing under 37 CFR 1.8) is the date from which this 2-month time period is measured. See MPEP § 512" MPEP 1205.01. As shown in Exhibit A hereto, by the date stamped on the postcard, the Office received the Notice of Appeal on April 14, 2008. Thus the Appeal Brief is timely when mailed as of July 14, 2008, with a one month extension of time under 37 C.F.R. §1.136.

A PTO-2038 form authorizing a charge for \$60.00 and the responsive papers are included herewith.

Appellants believe that no fees are due in accordance with this Petition beyond those included herewith. Should any additional fees be due, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 502026.

Respectfully submitted,



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Date: July 14, 2008

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